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Monitoring Officer
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Agenda

Name of meeting	LICENSING SUB COMMITTEE
Date	FRIDAY 28 APRIL 2023
Time	10.00 AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Members of the committee	Cllrs G Peace (Vice-Chairman), J Bacon and J Jones-Evans Democratic Services Officer: Sarah MacDonald democratic.services@iow.gov.uk

1. **Apologies and Changes to Membership (if any)**

To note any changes in membership of the Committee made in accordance with Part 4B paragraph 5 of the council's Constitution.

2. **Minutes** (Pages 5 - 8)

To confirm as a true record the Minutes of the meeting held on 27 February 2023.

3. **Declarations of Interest**

To invite Members to declare any interest they might have in the matters on the agenda.

4. **Urgent Business**

To consider any matters which, in the Chairman's opinion, are urgent.



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5. **Report of the Director of Neighbourhoods**

- (a) To Consider a Variation to the Premises Licence at Landguard Holiday Park, Landguard Manor Road, Shanklin, IW (Pages 9 - 74)

CHRISTOPHER POTTER
Monitoring Officer
Thursday, 20 April 2023

Interests

If there is a matter on this agenda which may relate to an interest you or your partner or spouse has or one you have disclosed in your register of interests, you must declare your interest before the matter is discussed or when your interest becomes apparent. If the matter relates to an interest in your register of pecuniary interests then you must take no part in its consideration and you must leave the room for that item. Should you wish to participate as a member of the public to express your views where public speaking is allowed under the Council's normal procedures, then you will need to seek a dispensation to do so. Dispensations are considered by the Monitoring Officer following the submission of a written request. Dispensations may take up to 2 weeks to be granted.

Members are reminded that it is a requirement of the Code of Conduct that they should also keep their written Register of Interests up to date. Any changes to the interests recorded on that form should be made as soon as reasonably practicable, and within 28 days of the change. A change would be necessary if, for example, your employment changes, you move house or acquire any new property or land.

If you require more guidance on the Code of Conduct or are unsure whether you need to record an interest on the written register you should take advice from the Monitoring Officer – Christopher Potter on (01983) 821000, email christopher.potter@iow.gov.uk, or Deputy Monitoring Officer - Justin Thorne on (01983) 821000, email justin.thorne@iow.gov.uk.

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Minutes

Name of meeting	LICENSING SUB COMMITTEE
Date and Time	MONDAY 27 FEBRUARY 2023 COMMENCING AT 10.00 AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs J Bacon, P Fuller and I Ward
Also Present	Andrea Bull, Ben Gard, Regan Matthews and Kevin Winchcombe,

19. **Apologies and Changes in Membership (if any)**

Due to the recent resignation of Cllr Pitcher from the Committee, Cllr Ward attended as the third member of the Sub-Committee and Cllr Bacon was elected Chairman for the day.

20. **Minutes**

RESOLVED:

THAT the minutes of the meeting held on 30 January 2023 be approved.

21. **Declarations of Interest**

There were no Declarations of Interest.

22. **Urgent Business**

There was no Urgent Business.

23. **Report of the Director of Neighbourhoods**

24. **Application for a Premises Licence for Betty's Door, 5 Clarence Road, East Cowes, Isle of Wight**

The Senior Licensing Officer summarised the application and explained that there had been five representations received relating to one or more of the four licensing objectives. The concerns raised were the potential for crime and disorder and obstruction from people congregating outside the premises, and the potential for

noise nuisance from customers. The applicant had responded to each of the objections.

Environmental Health had raised no adverse comment. Conditions had been agreed with the police which would be added to the licence if granted.

The applicant presented their case and explained that to maximise their income during a difficult time they wished to be able to sell a small quantity of alcohol until 4pm only, and until 8.30pm during a few special events. They further explained that with no cellar facility, alcohol would be wine, spirits and bottled beer only, to be sold alongside food. The clientele was mainly middle age/retired persons and there would be no drinking or smoking outside the premises, although in the future they may apply for a small table outside to enable people to sit outside on warmer days.

The applicant had managed a local pub/restaurant for seven years and was currently the manager of another nearby pub with his partner where they were well respected by local residents. Both had held personal licences for 10 years.

Two of the objectors were present and expanded on their representations. The Town Council were not satisfied at the responses which had been provided by the applicant and still had concerns over the extended hours applied for. Conditions were requested regarding external seating and the restriction of alcohol to inside the premises and assurance as to the enforcement of any licence conditions. Another neighbour was concerned over noise from the premises and smells from cooking, and what the future would hold regarding the potential rental of the upstairs flat.

Advice was given that any planning restrictions were not relevant to the application, and that anything contained in the lease or relating to poor sound insulation were private matter between the landlord and tenants and would not prevent the licence from being granted.

Clarification was given that enforcement would be carried out by Licensing Officers and Environmental health Officers would deal with any complaints of noise. Objectors were also reminded of the facility to call for review of the licence at any time.

The Sub Committee were reminded that the application must be considered on its own merits and that their decision must be evidence based. The recommendation was for the licence to be granted subject to the conditions proposed in the application and those agreed with the police.

The Sub Committee retired to private session to consider their decision, and upon reconvening it was

RESOLVED:

To grant the licence in accordance with the application, subject to those conditions proposed by the applicant within the operating schedule, and also subject to the mandatory conditions specified in the Licensing Act 2003, but modified to such an extent as members have considered appropriate for the promotion of the four licensing objectives, namely by requiring the following conditions:

- i) The conditions agreed with the police contained in Appendix 2 of the report,
- ii) A condition which shall ensure that customers will not be permitted to take containers of alcohol from the premises, and
- iii) A condition which shall provide that the supply of alcohol under this licence shall only be permitted when supplied with an order of food.

The conditions were applied for the following reasons:

As per the reason given in the report in order to promote the licensing objectives and in particular the prevention of public nuisance and prevention of crime and disorder, such conditions being in accordance with the Section 182 guidance and the council's statement of licensing policy.

In reaching the above decision the sub-committee had regard to the Human Rights Act 1998, in particular Article 1 of the first protocol, and Articles 8 and 6. The sub-committee considered that the decision was proportionate and appropriate for the promotion of the four licensing objectives under the Licensing Act 2003.

The Sub-Committee had noted the concerns of the Town Council and local residents and advised that any future issues be reported to the Licensing Team and/or Environmental Health.

It was noted that there was a right of appeal against the decision within 21 days of notification.

CHAIRMAN

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Purpose: For Decision

Committee report

Committee	LICENSING SUB COMMITTEE
Date	FRIDAY 28 APRIL 2023
Title	TO DETERMINE AN APPLICATION FOR A PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT 2003 FOR LANDGUARD HOLIDAY PARK, LANDGUARD MANOR ROAD, SHANKLIN, ISLE OF WIGHT, PO37 7PJ.
Report Author	DIRECTOR OF NEIGHBOURHOODS

BACKGROUND

1. Under section 34 of the Licensing Act 2003, a premises licence holder may apply to vary the licence to add licensable activities or alter the times for such activities, or to remove conditions, where this cannot be done by way of a minor variation.
2. A copy of the current premises licence of which relates to Landguard Holiday Park can be found at Appendix 1 of the report.
3. An application for variation of the premises licence was submitted to the licensing authority on 10 March 2023 by Poppleston Allen (on behalf of Park Resorts Ltd). The application can be found at Appendix 2 of the report.
4. To summarise, the applicant proposes via the variation application process to:
 - Enable the authorisation of 'off-premises' sale of alcohol between 10am and midnight daily,
 - Amend current timings for the activities of indoors plays, indoor performance of dance and indoor live music, enabling these activities to take place from 10am to midnight daily (to be one hour earlier each day and one minute later than existing authorisations).
 - Amend current timings for the activity of late night refreshment, enabling this activity to take place between 23:00 hours and 00:00 hours daily. (to be one minute later than the existing authorisation).
 - To amend current timings relating to the opening hours of the premises from 8am to 12.30am the following day (noted to be 2 hours earlier and 31 minutes later than the existing authorisation).

5. Any person may make representations in respect of the application during the consultation period and if these are not resolved the licensing authority must hold a hearing to determine the application.

CONSULTATION

6. The Licensing Act 2003 prescribes a twenty-eight day consultation period, commencing the day after the application has been correctly served. The applicant is required to submit a copy of the application to Responsible Authorities as defined in the Licensing Act, and to place a notice of the application at the premises and in a local newspaper.
7. The application for a premises licence was received on 10 March 2023. The application was advertised in the Isle of Wight County Press, at the premises and on the Council’s website. The consultation period ended on 8 April 2023.
8. The outcome of the consultation in respect of this application is as follows:

Responsible Authorities

Children’s Services	No Representation made
Fire and Rescue Service	Response received – no representation
Trading Standards Service	Response received – no representation
Planning Services	No Representation made
NHS	No Representation made
Licensing Authority	No Representation made
Immigration Enforcement	No Representation made
Environmental Health	Response received – no representation
Police	Response received – no representation

9. Four of the nine Responsible Authorities as per the above table formally responded as part of the consultation exercise. The lead authority for the Licensing Objective for the Prevention of Public Nuisance (Environmental Health) returned a response during the consultation of “no adverse comment”, with a detailed account of their reasoning for this response (Appendix 3).
10. From a Crime and Disorder perspective, the Police are considered to be the lead authority with regards to this matter. Their representation and reasons given for not raising concerns are found at Appendix 4 to the report.

Other Persons

11. Fourteen representations have been received from other persons which relate to the licensing objectives of:
 - Prevention of public nuisance
 - Protection of children from harm

- Public safety
 - Prevention of crime and disorder
12. Certain comments submitted by persons who wish to raise concerns with regards to the proposals contained within the application are not deemed relevant when considering the comments against one or more of the four licensing objectives and therefore these cannot be considered when determining this application. These include, but are not limited to, the age and perceived vulnerability of persons living within the vicinity of the licensed premises and that there are already a sufficient amount of licensed premises within the surrounding area that permit the sale of alcohol via “off sales”. More detailed explanations as to why these and other points that can not be considered when determining the application, are found in Appendix 5.
 13. From a crime and disorder perspective, concerns have been raised with regards to the proposed extension in timings and the ability to carry out off sales for the licensable activity for the sale of alcohol. Concerns in relation to these proposals have been raised that should these proposals be permitted then levels of anti-social behaviour from persons frequenting the licensed premises will increase, both within the licenced premises and surrounding areas.
 14. From a public nuisance perspective, concerns have been raised in that the extension in timings for the licensable activities such as live music will increase the likelihood of noise disturbance from regulated entertainment as well as from increased noise from persons frequenting the licensed premises and immediate area within the holiday park.
 15. All persons submitting representations were responded to via email in which the Licensing Officer supplied further guidance and information explaining what points of each representation could be considered and what could not, with reasons. These communications resulted in four of the fourteen representations being withdrawn, leaving ten that could not be resolved.
 16. To summarise, many of the representations that remain unresolved have stated that the current levels of noise disturbance and anti-social behaviour are already adversely impacting on their lives and that this adverse impact will likely increase, should the proposals contained within the variation application be permitted.

FINANCIAL/BUDGET IMPLICATIONS

17. Broadly, Council expenditure on licensing matters, and specifically those administered and enforced through Planning and Regulatory Services, balances income generated from fees.

LEGAL IMPLICATIONS

18. The 28-day consultation period ended on 8 April 2023. Schedule 1 of the Licensing Act (Hearings) Regulations 2005 states that the application must be determined within 20 working days of the end of the consultation period.

National Guidance

19. The following sections from the national guidance issued under section 182 of the Licensing Act 2003 are considered relevant to this application:
20. 1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:
 - must be appropriate for the promotion of the licensing objectives;
 - must be precise and enforceable;
 - must be unambiguous and clear in what they intend to achieve;
 - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
 - must be tailored to the individual type, location and characteristics of the premises and events concerned;
 - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
 - should not replicate offences set out in the 2003 Act or other legislation;
 - should be proportionate, justifiable and be capable of being met;
 - cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
 - should be written in a prescriptive format.
- 1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.
- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common

law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.
- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.
- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible

authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

- 10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application

Implications under the Crime and Disorder Act 1998

21. Members are advised that without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Human Rights

22. Members are advised that this application must be considered against the background of the implications of the Human Rights Act 1998.
23. There are three convention rights, which need to be considered in this context:

Article 6 - Right to a Fair Trial

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

It has been held that the fact that there is a right of appeal to the Magistrates' Court from any decision of the Licensing Authority is sufficient to make the Council's licensing system compliant with the convention rights.

Article 8 - Right to Respect for Private and Family Life

Everyone has the right to respect for his private and family life, his home and his correspondence. In the case of article 8 there shall be no interference by a public authority with the exercise of this right except as such in accordance with the law and is necessary on a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder and crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

Article 1 - First Protocol Protection of Property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. In the case of Article 1 of the first protocol it states that “no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and the general principles of international law. The preceding provisions (of which articles 6 and 8 are but two) shall not however in any way impair the right of the state to enforce such laws as it deems necessary to control the use of the property in accordance with general interest or to secure the payment of taxes or other contributions or penalties”.

24. The Licensing Authority acknowledges the right of businesses in its area to operate, but equally acknowledges the fact that this must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises. The Sub-Committee needs to be clear as to the rights granted and the need to ensure that the reasons given for any interference are proportionate and in accordance with the Council’s legitimate aim.
25. It is considered that the following paragraphs from the Licensing Authority’s Statement of Licensing Policy 2019 – 2024 have a bearing upon the application. Members’ attention in respect of this particular application is drawn to:

Paragraph 1	Introduction	All
Paragraph 2	Licensing Objectives	2.3 – 2.6
Paragraph 3	Licensable Activities	3.1
Paragraph 4	Integration of Strategies and Other Legislation	All
Paragraph 5	Approach to Licensing Applications	All
Paragraph 6	Major Events and the Isle of Wight County Council Act	N/A
Paragraph 7	Cumulative Impact	N/A
Paragraph 8	Representations, Reviews, and Appeals	8.1 – 8.6 8.11 – 8.15
Paragraph 9	Enforcement	N/A
Paragraph 10	Operating Schedules	10.1 – 10.4, 10.7, 10.9, 10.12, 10.26

EQUALITY AND DIVERSITY

26. The council as a public body is subject to general and specific duties under equality and diversity legislation and as such has a duty to go beyond prohibition and publish and promote service improvements by engaging with the local community to assess the impact of any decision on the local community. As a requirement under the Equality Act 2010 and further improvements to diversity legislation all local authorities are required to impact assess their services, policies/strategies and decisions with regard to diversity legislation – race, disability, gender, age, sexual orientation and

religion/belief. (NB: this list is not exhaustive. It does cover current legislation but future development could also include poverty and social inclusion as an example).

27. There is no requirement for an equality impact assessment to be carried out.

OPTIONS

- Option 1: Grant the proposed variation to the existing premises licence, as per the application.
- Option 2: Grant the licence as per the application with any modifications to the proposed hours and/or additional conditions that the Sub-Committee deem reasonable and proportional to promote the licensing objectives.
- Option 3: Refuse the whole or part of the application.

RISK MANAGEMENT

28. With regard to Option 1: To grant the proposed variation as per the application may not adequately address the concerns raised by the objectors if the Sub-Committee deem these to be a likely outcome. The decision not to address the concerns raised may subsequently be appealed by those parties who have made representations.
29. With regard to Option 2: The concerns raised could be reduced by attaching conditions to the licence to promote the licensing objectives. Conditions must be appropriate and proportionate. Any decision to attach additional conditions may be appealed by all parties if they believe the conditions do not adequately promote the licensing objectives.
30. With regard to Option 3: If the Sub-Committee decides to refuse all or part of the application, the decision may be appealed by all parties.

EVALUATION

31. Section 9.38 of the national guidance states:
In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- *the steps that are appropriate to promote the licensing objectives;*
 - *the representations (including supporting information) presented by all the parties;*
 - *this Guidance;*
 - *its own statement of licensing policy.*
32. During the consultation period, representations have been received which look to oppose the timings and activities that fall outside of the proposals outlined within the variation application that is to be determined. The Licensing Sub Committee must be clear in that the determination that they come to in relation to the variation application is based upon the proposals within the application only, as this is the only detail that is being determined. An existing premises licence is in place which authorises the

licence holder to be able to carry out certain activities and timings already. To summarise, the only timings and activities that the Sub Committee must have regard to when coming to a determination is:

- the 'off-premises' sale of alcohol between 10am and midnight daily,
 - for indoor plays, indoor performance of dance and indoor live music to take place from 10am to midnight daily (noted to be one hour earlier each day and one minute later than existing each night),
 - for late night refreshment to be permitted from 11pm to midnight daily (noted to be one minute later than existing),
 - for the opening hours to be permitted from 8am to 12.30am the following day (noted to be 2 hours earlier and 31 minutes later than existing)
33. Concerns have been raised that oppose the proposal for the licensed premises to be open until 00:30 hours as it is believed that activities that take place up until this point are likely to cause further noise disturbance to nearby residents. Through communications to those persons that have raised concerns in relation to this matter, it has been explained that any licensable activities such as the sale of alcohol or regulated entertainment will not be permitted to continue up until 00:30 hours. The cessation of such activities will be 00:00 hours with a 30-minute period following this in order to enable the licence holder and associated staff to implement a "drinking up time" which will also potentially help to promote a gradual dispersal of persons that are still frequenting the licensed premises at this time. The implementation of a period such as this is widely recognised, in particular by the Police and Licensing Authority, to assist in avoiding large groups of persons present leaving all at once at the end of the evening which could potentially result in higher levels of noise and disturbance to nearby residents and businesses.
34. Further concerns have been raised that this is a residential area and the grant of the variation to the existing licence will lead to an increase in noise and anti-social behavioural issues. It has been further stated that the existing authorisations within the current premises licence and how they are managed already has an adverse impact on nearby residents with regards to disturbance from music and people noise as well as instances of anti-social behaviour. In considering these written concerns, within the 28-day consultation period, the Licensing Authority sought the views of the Police and Environmental Health with regards to any matters that had been reported to these authorities, specifically with regards to noise nuisance and anti-social behaviour as these authorities would be responsible in the first instance to look to investigate allegations of these types, should they have been reported. Environmental Health have stated that the last allegation of noise disturbance emanating from the licence premises was received in the spring period of 2016 and that there has been no reported allegations or incidents since this date. The Police have stated that there have been no reported allegations or incidents of anti-social behaviour that have been connected to the licenced premises since 2019.
35. Other representations received have stated that the proposal to permit off sales within the existing premises licence is not needed due to various other licenced premises within the area already having authorisations to do so. Point 14.19 of the Section 182 Guidance for the Licensing Act 2003 states that the "need" concerns commercial demand and that this is a matter for the Planning Authority and market. No concerns have been received or formally submitted by the Planning Authority

during the consultation exercise in relation to this matter. The guidance also goes further to state that the determination of “need” is not a matter for a Licensing Authority in discharging its licensing functions or for its statement of licensing policy.

36. Other concerns state that allowing off sales will encourage persons frequenting the licensed premises within Landguard Holiday Park to purchase alcohol from the site and consume it within the surrounding area, away from the licenced premises which in turn will likely increase the levels of anti-social behaviour by those persons that have purchased alcohol from the premises. Referring to point 1.16 of the Section 182 Guidance to the Licensing Act 2003, it states that conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave. With this statement in mind the licence holder and any relevant staff that are responsible for customers behaviours within the immediate vicinity can assist in reducing the potential risk of noise nuisance and anti-social behaviour from customers through effective management. Examples of such include appropriate and clear signage at specific locations (i.e., entrances and exits) reminding customers to respect the needs of nearby residents and businesses, taking decisions to refuse to serve customer(s) due to levels of intoxication and the use of SIA personnel to manage and deter signs of anti-social behaviour. Although these and other measure may be appropriate at times, the licence holder and relevant staff are not responsible once the customer(s) leaves the immediate area of the licenced premises. At this stage the customer’s behaviour and how they conduct themselves is a matter for their own responsibility.
37. Further points that have been raised within the various representations received include the impact that the granting of the variation will have on the monetary value of residential properties within the vicinity of the licenced premises and that consideration should be taken into account with regards to the age and demographics of persons living within the vicinity of the licenced premises. These two points are unable to be considered due to not being directly relevant to one or more of the four licensing objectives.
38. The sub-committee must have regard to all of the representations made and the evidence it hears as well as the national guidance issued under Section 182 of the Licensing Act 2003 and the Council’s own Statement of Licensing Policy.
39. The Committee should determine the application in accordance with section 18 of the Licensing Act 2003 and The Licensing Act (Hearings) Regulations 2005 and with a view to promoting the licensing objectives, which are:
 - The Prevention of Crime and Disorder
 - The Prevention of Public Nuisance
 - Public Safety
 - The Protection of Children from Harm

RECOMMENDATION

40. Option 1: Grant the proposed variation to the existing premises licence as per the application.

APPENDICES ATTACHED

Appendix 1 - Existing Premises Licence Ref 044042

Appendix 2 - Variation Application

Appendix 3 - Environmental Health Representation

Appendix 4 - Police Representation

Appendix 5 - Representations from Other Persons

BACKGROUND PAPERS

- Isle of Wight Council Licensing Authority Statement of Licensing Policy 2019 – 2024.
<https://www.iow.gov.uk/azservices/documents/1226-Approved-Licensing-policy-2019-24.pdf>

Contact Point: Shane Batchelor, Licensing Officer, ☎ 01983 823159
e-mail shane.batchelor@iow.gov.uk

LICENSING ACT 2003
PREMISES LICENCE
PART A – Part 1



Landguard Holiday Park Landguard Manor Road Shanklin Isle of Wight PO37 7PJ	Licence Ref:	23/00016/LAPVDP
	Valid from:	6 January 2023

Premises Licence Holder	Park Resorts Ltd, 2nd Floor, One Gosforth Park Way, Gosforth Business Park, Newcastle Upon Tyne, NE12 8ET
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PART A – Part 2

Licensable Activities

Activity	Days of Week	Start	Finish
Performance of Dance & Plays (Indoors)	Monday to Sunday	18:00 hrs	23:59 hrs
Films & Indoor Sporting Event (Indoors)	Monday to Sunday	00:01 hrs	23:59 hrs
Late Night Refreshment (Indoors)	Monday to Sunday	23:00 hrs	23:59 hrs
Live Music (Indoors)	Monday to Sunday	11:00 hrs	23:59 hrs
Recorded Music (Indoors)	Monday to Sunday	08:00 hrs	23:59 hrs
Sale of Alcohol (supplied for consumption on the premises)	Monday to Sunday	10:00 hrs	23:59 hrs

Hours premises are open to the public

Days of Week	Open	Close
Monday to Sunday	10:00 hrs	23:59 hrs

Non standard timings

Opening Hours and the Sale of Alcohol - 24 Hours for Residents Only

Registered number of holder, for example company number, charity number

4133998

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Sean Vernall Managers Flat, Lower Hyde Holiday Park, Landguard Road, Shanklin, Isle of Wight
--

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Licence Number: IW 046015 Licensing Authority: Isle of Wight Council

Annex 1

Mandatory Conditions

1. No supply of alcohol may be made under the premises licence –
 - a. at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - a. games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - e. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - a. a holographic mark, or
 - b. an ultraviolet feature.
6. The responsible person must ensure that—
 - a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml;

b. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition –

a. “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

b. “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

where -

- i. P is the permitted price,
- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c. “relevant person” means, in relation to premises in respect of which there is in force a premises licence

- i. the holder of the premises licence,
- ii. the designated premises supervisor (if any) in respect of such a licence, or
- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d. “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e. “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

(2) Where the permitted price given by paragraph b would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(3) Sub-paragraph (4) applies where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(4) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

(Where the Premises Licence authorises the exhibition of films)

8. Admission of children to the exhibition of any film is to be restricted in accordance with Section 20.

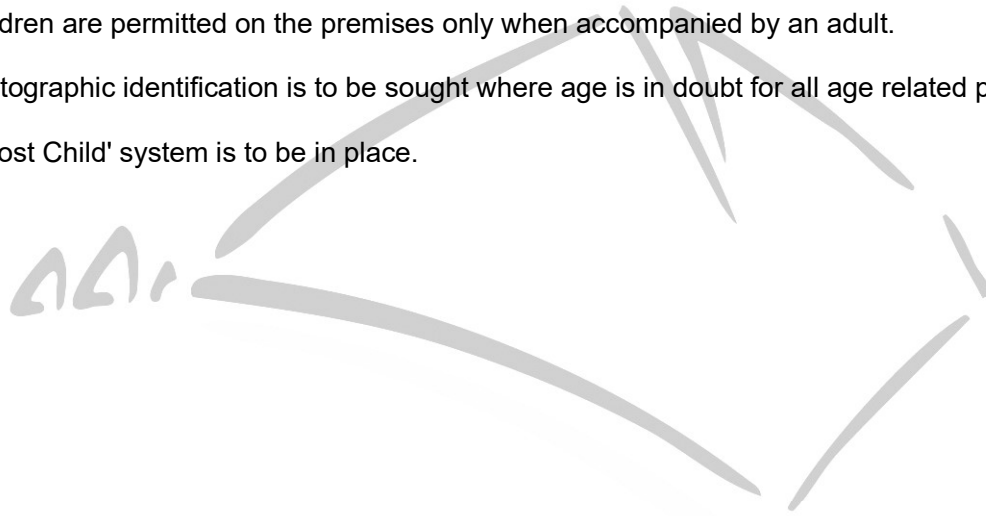
(Where the Premises Licence includes a condition that door supervisors must be used)

9. All security personnel must be licensed by the Security Industry Authority.

Annex 2

Conditions consistent with the operating schedule

1. Functions are to be limited to twelve in any one calendar year, with not less than seven days notice to the Police of any such function giving the times, dates and nature of such events. The Police shall have the right to veto any such event on the grounds of crime and disorder or public nuisance.
2. Risk assessments are to be regularly carried out and actioned where appropriate.
3. Glass receptacles are not to be permitted outside the licensed area.
4. Any person consuming any drink in the pool area will do so using a plastic receptacle.
5. Children are permitted on the premises only when accompanied by an adult.
6. Photographic identification is to be sought where age is in doubt for all age related products.
7. A 'Lost Child' system is to be in place.



ISLE *of*
WIGHT
C O U N C I L

Annex 3

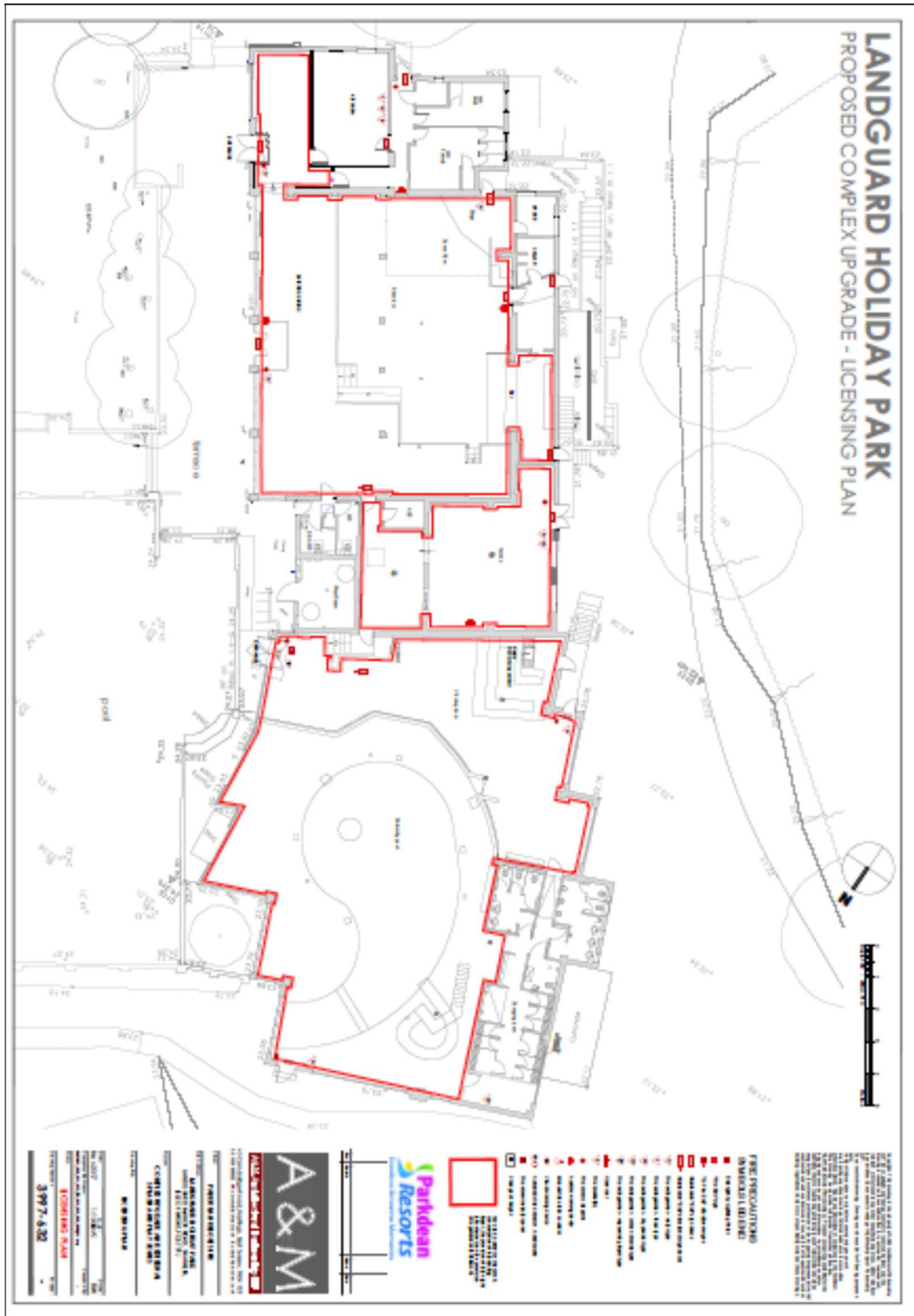
Conditions attached after a hearing by the licensing authority

Not applicable



ISLE *of*
WIGHT
C O U N C I L

Annex 4 Plans



Isle of Wight Council

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

We Park Resorts Limited

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 23/00016/LAPVDP

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Landguard Holiday Park Manor Road			
Post town	Shanklin	Post code	PO37 7PJ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£155,000.00

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current residential address if different from premises address	2nd Floor One Gosforth Park Way Gosforth Business Park		
Post Town	Newcastle Upon Tyne	Postcode	NE12 8ET

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not, from what date do you want the variation to take effect?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please read guidance note 2)

The proposed variation is to add sale of alcohol off the premises Monday to Sunday 1000 to Midnight; amend sale of alcohol on the premises, plays, performance of dance and live music indoors Monday to Sunday 1000 to Midnight; extend late night refreshment Monday to Sunday 2300 to Midnight; opening hours to be amended Monday to Sunday 0800 to 0030 the following morning. The current permitted hours for indoor sporting, films, recorded music and the current conditions to remain as existing.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please read guidance note 3)

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Please tick all that apply

-
-
-
-
-
-
-
-

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	10:00	24:00	Please give further details here (please read guidance note 5)	NO CHANGE	
Tue	10:00	24:00			
Wed	10:00	24:00	State any seasonal variations for performing plays (please read guidance note 6)		
Thur	10:00	24:00			
Fri	10:00	24:00	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)	NO CHANGE	
Sat	10:00	24:00			
Sun	10:00	24:00			

B – NO CHANGE

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

C – NO CHANGE

Indoor sporting events Standard days and timings (please read guidance note 8)			<p><u>Please give further details</u> (please read guidance note 5)</p> <hr/> <p><u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)</p> <hr/> <p><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)</p>
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<p><u>Please give further details here</u> (please read guidance note 5)</p> <hr/> <p><u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)</p> <hr/> <p><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)</p>	
Thur				
Fri				
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	10:00	24:00			
			NO CHANGE		
Tue	10:00	24:00			
			State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed	10:00	24:00			
Thur	10:00	24:00			
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	10:00	24:00			
Sat	10:00	24:00			
			NO CHANGE		
Sun	10:00	24:00			

F – NO CHANGE

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon	10:00	24:00			
Tue	10:00	24:00	NO CHANGE		
Wed	10:00	24:00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur	10:00	24:00			
Fri	10:00	24:00	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	10:00	24:00			
Sun	10:00	24:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>	<u>Please give further details here</u> (please read guidance note 5)
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon	23:00	24:00				NO CHANGE		
Tue	23:00	24:00						
Wed	23:00	24:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)					
Thur	23:00	24:00						
Fri	23:00	24:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)					
Sat	23:00	24:00				NO CHANGE		
Sun	23:00	24:00						

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)					
Mon	10:00	24:00						
Tue	10:00	24:00						
Wed	10:00	24:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)					
Thur	10:00	24:00				24 hours (opening and alcohol) - Monday to Sunday for residents (as existing)		
Fri	10:00	24:00						
Sat	10:00	24:00						
Sun	10:00	24:00						

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8) NONE
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	08:00	00:30	
Tue	08:00	00:30	
Wed	08:00	00:30	
Thur	08:00	00:30	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Fri	08:00	00:30	24 hours (opening and alcohol) - Monday to Sunday for residents (as existing)
Sat	08:00	00:30	
Sun	08:00	00:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking
 NONE

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)

Bearing in mind the nature of this variation and those conditions attached to the Premises Licence nothing further is required.

b) The prevention of crime and disorder

See box a) above.

c) Public safety

See box a) above.

d) The prevention of public nuisance

See box a) above.

e) The protection of children from harm

See box a) above.

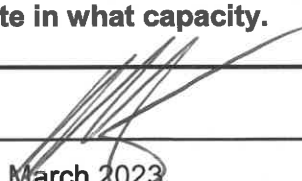
Please tick yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	10 th March 2023
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Angela Gardner Poppleston Allen Solicitors 37 Stoney Street The Lace Market			
Post town	Nottingham	Post code	NG1 1LS
Telephone number (if any)	0115 9349 157		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
a.gardner@popall.co.uk			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a

hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

14. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

To Shane Batchelor, Licensing Officer
From Mark Wootton, Senior Environmental Health Practitioner
Date 30th March 2023
Subject Licensing Act 2003 ("The Act")
Application for a Premises Licence Variation
Landguard Holiday Park, Shanklin PO37 7PJ

Memo

By virtue of Section 13 (4)(c) and 13 (4)(e), Environmental Health is a responsible authority and may make representations to the Licensing Authority over applications for Premises Licences.

Background

Environmental Health notes that the variation application cannot look to amend or reduce the licensable activities and timings that form part of the current premises licence.

The applicant seeks consent for;

- the 'off-premises' sale of alcohol between 10am and midnight daily,
- for indoors plays, indoor performance of dance and indoor live music to take place from 10am to midnight daily (noted to be one hour earlier each day and one minute later than existing each night),
- late night refreshment from 11pm to midnight daily (noted to be one minute later than existing),
- opening hours from 8am to 12.30am the following day (noted to be 2 hours earlier and 31 minutes later than existing).

A review of the premises history shows that the most recent noise complaint relating to regulated entertainment was in the Spring of 2016. There has been a period of almost 7 years with no noise complaints having been received.

Application

Environmental Health do not consider that the licensable activities, if granted, would have an unreasonable effect on the licensing objective of the prevention of public nuisance. An earlier start time for indoor regulated entertainment is not likely to cause public nuisance and a one-minute later finish time is not likely to have any significant difference over the existing situation. The provision for late night refreshment is not considered to compromise the prevention of public nuisance. The premises will be open 30 minutes later than existing which may allow for a gradual egress of patrons from the premises but may result in a later egress from the premises. It should however, be borne in mind that patrons may be a mix of site residents and non-site residents.

Environmental Health understand that representations have been made that allege problems relating to noise from the site. Whilst not discounting any such commentary, Environmental Health have received no complaints about such matters in recent years and have not been able to substantiate any problem that may exist.

Consideration has been given to whether there might be an opportunity to consider a noise management plan to ensure the licensing objective of the prevention of public nuisance is upheld but environmental health hold the view that in the absence of complaints for a sustained period of time, it would neither be proportionate, appropriate or justifiable to require this at the present time.

The ability to investigate any allegations relating to music entertainment noise etc exists both under the licensing regime and under the statutory nuisance provisions of the Environmental Protection

Act 1990. The Council operates and out-of-hours noise service on Friday and Saturday nights and complaints can be made to either Wightcare or Environmental Health in the usual manner and will then be investigated.

Taking all of the above into consideration and having regard to the Licensing Authority's guidance issued to applicants and its *Statement of Licensing Policy 2019- 2024*, environmental health does not object to the granting of the licence variation as requested with regard to the prevention of public nuisance.

Many thanks for consulting this section.

Mark Wootton
Senior Environmental Health Practitioner

Batchelor, Shane

From: Buchanan, Andrew (22121) <andrew.buchanan@hampshire.police.uk>
Sent: 05 April 2023 14:09
To: Batchelor, Shane
Subject: RE: Landguard Holiday Park Variation - Ref 23/00250/LAPVAR

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Hello Shane

I have had a look through the systems for the venue.

So far we had no reports from the location during 2022 or so far in 2023.

We had a reported burglary in early 2022 but nothing again before that back to 2019.

At this time we as the police have no concerns with the extended hours at the location.

If you need any more info let me know

Andrew

PC 22121 Andrew BUCHANAN

Force Licensing & Alcohol Harm Reduction Team
Hampshire and Isle of Wight Constabulary
IOW
Mobile – 07971 603524



From: Batchelor, Shane <Shane.Batchelor@IOW.gov.uk>
Sent: 31 March 2023 12:58
To: Buchanan, Andrew (22121) <andrew.buchanan@hampshire.police.uk>
Subject: Landguard Holiday Park Variation - Ref 23/00250/LAPVAR

Hi Andrew, I hope you are well.

I have received quite a few objection with regards to the application as per above with some citing anti-social behaviour, fights and arguments taking place in the park.

Before I draft a final response to the interested parties, can you let me have the Police response to the application and also whether any instances of ASB or other matters that could impact on the Licensing Objective for the Prevention of Crime and Disorder.

If you need to discuss let me know but I need to go back to the relevant objectors so the Police view would be appreciated,

Kind regards

Shane Batchelor| Licensing Officer|Regulatory Services| Isle of Wight Council|

County Hall|High Street|Newport|Isle of Wight|PO30 1UD

Tel: (01983) 823159

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Representation from Anna Hardy (Remains)

From: Batchelor, Shane

Sent: 23 March 2023 13:20

To: A HARDY

Subject: RE: Re Park Dean extended licencing and later party hours: - Ms Hardy

Good afternoon Ms Hardy,,

Thank you for your response below in relation to the premises licence variation application for Landguard Holiday Park, Shanklin.

Unfortunately, we are not able to consider the increase in units within the park or litter within the vicinity of the park when determining the variation application. These matters fall under and are regulated by separate pieces of legislation to that of the Licensing Act 2003.

The demographics and make up of persons who frequent the licenced premises or live within the vicinity of a licenced premises can also not be considered under the Licensing Act 2003 legislation when looking to determine an application.

To summarise, the existing premises licence authorises the sale of alcohol up until 23:59 hours, therefore the actual timings are looking to be extended by 1 minute, this being until 00:00 hours.

The application is proposing for the operating hours to be extended until 00:30 hours, which in line with best practice will permit a "drinking up period" for non-residents which from experience would encourage a more gradual dispersal of persons over the 30 minute period and potentially reduce the chance of noise disturbance from persons leaving the licenced area.

The activity for live music is proposing to start 1 hour earlier (10am as opposed to 11am which is currently permitted) and is looking to extend by 1 minute, in line with the sale of alcohol proposals.

"Off Sales" in relation to the sale of alcohol is being proposed and I anticipate that the Police, as a responsible authority will request a condition to prevent any drinks in open containers from being removed from the site by non-residents.

Environmental Health as a responsible authority may also look to request conditions which will look to uphold the objective for the prevention of public nuisance, however I have not received a response from this department as of yet.

I note that you have made reference to noise within your response. Searching our system, I am unable to locate any complaints that have been logged against the premises with regards to noise nuisance. Should you wish to report a concern to the Environmental Health department when/if noise nuisance is taking place, I would advise you to call 01983 823500 or email ehadmin@iow.gov.uk . The department does have an out of hours service on Friday and Saturday evenings which can be contacted on 01983 821105.

To summarise, all activities are being proposed to start at 10:00am and finish at 00:00 hours, which is technically 1 minute later than the current premises licence permits.

The variation application cannot look to amend or reduce the licensable activities and timings that form part of the current premises licence.

If there are unresolved objections at the end of the consultation period, I will look to arrange for a hearing to take place at which you will be able to attend in order to raise the relevant points that are contained within your representation.

Could I please ask you to review the points above and let me know if you still wish to object to the extension of activities for the sale of alcohol and live music from 23:59 hours to 00:00 hours,

If you require clarification on any aspect of the information above, please let me know,

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |

County Hall | High Street | Newport | Isle of Wight | PO30 1UD

Tel: (01983) 823159

From: A HARDY

Sent: 23 March 2023 09:22

To: Licensing <licensing@iow.gov.uk>

Subject: Re Park Dean extended licencing and later party hours:

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe. Further information can be found [here](#).

I live in Carter Avenue, adjacent to Park Dean caravan park. This park has already taken up more land for yet more caravans, and we on Carter Avenue already suffer the consequences of noise and vast amounts of rubbish strewn around the area during the holiday season. The type of customers that go there are frequently of questionable quality (a child was raped there last year) and considering the owners on all of the bungalows next to mine are elderly and across the road there are people who go to work early in the morning, I/we object strongly to their request for more booze and extended drinking/partying hours.

Yours sincerely,

Ms. Anna Hardy (JP)

Representation from Melvyn Pratley (Remains)

Good morning Mr Pratley,

Thank you for your response.

Once the consultation period has concluded I will come back to you with the hearing date so that you are able to attend and raise any relevant points that you have in relation to the variation application,

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |

County Hall | High Street | Newport | Isle of Wight | PO30 1UD

Tel: (01983) 823159

From: Melvyn Pratley

Sent: 03 April 2023 17:01

To: Batchelor, Shane <Shane.Batchelor@IOW.gov.uk>

Subject: RE: Park Dean Resorts Landguard site change to licence. - Mr Pratley

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Having read through the attachment from Environmental Health provided by you I feel disinclined to enter into any further dialogue regarding this matter.

Melvyn Pratley.

Sent from my Galaxy

----- Original message -----

From: "Batchelor, Shane" <Shane.Batchelor@IOW.gov.uk>

Date: 03/04/2023 14:07 (GMT+00:00)

To: Melvyn Pratley

Subject: Park Dean Resorts Landguard site change to licence. - Mr Pratley

Good afternoon Mr Pratley,

Please find this email as a request to seek your views as to whether you intend to uphold your representation or withdraw it with regards to the variation application for the premises licence for Landguard Holiday Park.

To summarise please see the proposed amendments as opposed to what is already permitted below:

The applicant seeks consent for

- the 'off-premises' sale of alcohol between 10am and midnight daily,

- for indoors plays, indoor performance of dance and indoor live music to take place from 10am to midnight daily (noted to be one hour earlier each day and one minute later than existing each night),
- late night refreshment from 11pm to midnight daily (noted to be one minute later than existing),
- opening hours from 8am to 12.30am the following day (noted to be 2 hours earlier and 31 minutes later than existing).

Please be aware that the above proposed amendments are what is being considered as part of the variation application and not what is already permitted under the current premises licence.

Please also find Environmental Health's response in relation to the variation application attached.

After reviewing the above and attached, could I please ask you to inform me as to whether you wish to withdraw your representation or whether you wish it to remain

Should there be unresolved concerns then following the end of the consultation period I will look to arrange for a hearing to take place where you will be able to attend to raise any relevant concerns that have been included within your representation for the Licensing Sub Committee to consider prior to making a determination on the application.

I look forward to hearing from you,

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |

County Hall | High Street | Newport | Isle of Wight | PO30 1UD

Tel: (01983) 823159

From: Batchelor, Shane

Sent: 28 March 2023 15:08

To: Melvyn Pratley

Subject: RE: Park Dean Resorts Landguard site change to licence. - Mr Pratley

Good afternoon Mr Pratley,

I do not consider it being a waste of time to raise an objection in relation to this or any application.

The proposed changes or additions, dependant on whether it is a new application or proposed variation to an existing application can at times potentially (if not managed correctly) pose a significant impact on one or more of the four licensing objectives which is what we, the Licensing Authority and any interested parties must have regard to.

The review of a new application or the current authorisations (with regards to a licence that is already in place) against the introduction or amendment of timings and/or activities must be cross referenced, with the person reviewing the potential differences coming to a

conclusion that should the changes be likely to pose a significant impact on one or more of the four licensing objectives, then to submit a valid representation may be appropriate in this instance.

My email to yourself summarised the timings and activities that are currently in place and what is being proposed as per the variation application. Please note that the existing authorisations at this time can not be reduced in any way by way of reviewing the proposed variation.

If you have any other queries or require clarification on the above please let me know, otherwise I would appreciate it if you could confirm to me as to whether you have determined to withdraw your current objection based upon the additional information I have supplied or if it is your intention to uphold your comments and attend a hearing (once organised) to discuss your comments in relation to the proposals as detailed in the variation application.

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |

County Hall | High Street | Newport | Isle of Wight | PO30 1UD

Tel: (01983) 823159

From: Melvyn Pratley

Sent: 27 March 2023 10:19

To: Batchelor, Shane <Shane.Batchelor@IOW.gov.uk>

Subject: RE: Park Dean Resorts Landguard site change to licence. - Mr Pratley

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In other words a waste of time raising any objection whatsoever to it.

Melvyn Pratley.

Sent from my Galaxy

----- Original message -----

From: "Batchelor, Shane" <Shane.Batchelor@IOW.gov.uk>

Date: 27/03/2023 10:00 (GMT+00:00)

To: Melvyn Pratley

Subject: Park Dean Resorts Landguard site change to licence. - Mr Pratley

Good morning Mr Pratley,

Thank you for your response below in relation to the premises licence variation application for Landguard Holiday Park, Shanklin.

The current licence authorises the sale of alcohol up until 23:59 hours, therefore the actual timings are looking to be extended by 1 minute, this being until 00:00 hours.

The application is proposing for the operating hours to be extended until 00:30 hours, which in line with best practice will permit the a "drinking up period" for non-residents which from experience would encourage a more gradual dispersal of persons over the 30 minute period and potentially reduce the chance of noise disturbance from persons leaving the licenced area.

The activity for live music is proposing to start 1 hour earlier (10am as opposed to 11am which is currently permitted) and is looking to extend by 1 minute, in line with the sale of alcohol proposals.

"Off Sales" in relation to the sale of alcohol is being proposed and I anticipate that the Police, as a responsible authority will request a condition to prevent any drinks in open containers from being removed from the site by non-residents.

From a Licensing perspective we are unable to consider objections which relate to the number of outlets within a designated area that may offer the sale of alcohol as a licensable activity, therefore although I acknowledge your comment in relation to this, it is not something we can consider when determining the variation application.

Environmental Health as a responsible authority may also look to request conditions which will look to uphold the objective for the prevention of public nuisance, however I have not received a response from this department as of yet.

I note that you have made reference to noise disturbance via people noise and fireworks within the your response. Searching our system, I am unable to locate any complaints that have been logged against the premises with regards to noise nuisance. Should you wish to report a concern to the Environmental Health department when/if noise nuisance is taking place I would advise you to call 01983 823500 or email ehadmin@iow.gov.uk . The department does have an out of hours service on Friday and Saturday evenings which can be contacted on 01983 821105.

To summarise, all activities are being proposed to start at 10:00am and finish at 00:00 hours, which is technically 1 minute later than the current premises licence permits.

The variation application can not look to amend or reduce the licensable activities and timings that form part of the current premises licence.

Could I please ask you to review the points above and let me know if your comments as per below have been addressed and resolved,

If you require clarification on any part of my response please also let me know,

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |

County Hall | High Street | Newport | Isle of Wight | PO30 1UD

Tel: (01983) 823159

From: Melvyn Pratley
Sent: 26 March 2023 12:28
To: Licensing <licensing@iow.gov.uk>
Subject: Park Dean Resorts Landguard site change to licence.

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Having become aware of the proposed changes to the above site.

As a resident of Beechtree Drive directly opposite the site we have to endure enough noise and rowdy behaviour through the summer season into the early hours as it is. To allow alcohol to be sold and consumed off the site beggars belief there are plenty of outlets close by for such purposes. Also coupled with unannounced fireworks from Landguard Manor on occasions is /can be stressful. I therefore am objecting to the proposed changes in the strangest possible terms.

Melvyn Pratley

Representation from Ann Ashley (Remains)

Thank you for the response Mrs Ashley,

Once the consultation period has concluded I will come back to you with the hearing date so that you are able to attend and raise any relevant points that you have in relation to the variation application,

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |

County Hall | High Street | Newport | Isle of Wight | PO30 1UD

Tel: (01983) 823159

From: Ann Ashley

Sent: 03 April 2023 21:01

To: Batchelor, Shane <Shane.Batchelor@IOW.gov.uk>

Subject: Re: License extension. - Ms Ashley

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You seem to have a problem understanding Mr Batchelor, I still object, I am still against any license extension, I do not consent. Mrs Ann Ashley, Sandy Lane, Shanklin, PO377PH

On Mon, 3 Apr 2023, 11:27 am Batchelor, Shane, <Shane.Batchelor@iow.gov.uk> wrote:

Good afternoon Mrs Ashley and thank you for your response below.

I acknowledge your concern in relation to the potential for anti-social behaviour, however the premises licence and its conditions can not look to address traffic noise, persons involving themselves in arguments or fights.

To summarise please see the proposed amendments as opposed to what is already permitted below:

The applicant seeks consent for;

- the 'off-premises' sale of alcohol between 10am and midnight daily,
 - for indoors plays, indoor performance of dance and indoor live music to take place from 10am to midnight daily (noted to be one hour earlier each day and one minute later than existing each night),
 - late night refreshment from 11pm to midnight daily (noted to be one minute later than existing),
 - opening hours from 8am to 12.30am the following day (noted to be 2 hours earlier and 31 minutes later than existing).

Please be aware that the above proposed amendments are what is being considered as part of the variation application and not what is already permitted under the current premises licence.

Please also find Environmental Health's response in relation to the variation application attached.

After reviewing the above and attached, could I please ask you to inform me as to whether you wish to withdraw your representation or whether you wish it to remain,

Should there be unresolved concerns then following the end of the consultation period I will look to arrange for a hearing to take place where you will be able to attend to raise any relevant concerns that have been included within your representation for the Licensing Sub Committee to consider prior to making a determination on the application.

I look forward to hearing from you,

Kind regards

From: Ann Ashley
Sent: 29 March 2023 15:21
To: Batchelor, Shane <Shane.Batchelor@IOW.gov.uk>
Subject: Re: License extension. - Ms Ashley

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The answer is still yes Mr Batchelor, I still object, put any spin on it you want to, I still object. In reference to your records and noise complaints Mr Batchelor, the dept is not fit for purpose, the officer is either on another call or closed, I prefer to go onto the camp and make my complaint in person, I live here Mr Batchelor, the noise, litter, traffic, music, drunks, arguments, fights is a daily occurrence. Once again I still object. Mrs Ann Ashley, Sandy Lane Shanklin Po377ph.

On Tue, 28 Mar 2023, 1:32 pm Batchelor, Shane, <Shane.Batchelor@iow.gov.uk> wrote:

Good afternoon Ms Ashley,

Thank you for your response below in relation to the premises licence variation application for Landguard Holiday Park, Shanklin.

I have summarised below what the variation application is proposing and what is currently permitted in order for you to review and come back to me stating whether you are intending for your objection to remain or for it to be withdrawn.

The current licence authorises the sale of alcohol up until 23:59 hours, therefore the actual timings are looking to be extended by 1 minute, this being until 00:00 hours.

The application is proposing for the operating hours to be extended until 00:30 hours, which in line with best practice will permit the a "drinking up period" for non-residents which from experience

would encourage a more gradual dispersal of persons over the 30 minute period and potentially reduce the chance of noise disturbance from persons leaving the licenced area.

The activity for live music is proposing to start 1 hour earlier (10am as opposed to 11am which is currently permitted) and is looking to extend by 1 minute, in line with the sale of alcohol proposals

Environmental Health as a responsible authority may also look to request conditions which will look to uphold the objective for the prevention of public nuisance, however I have not received a response form this department as of yet

I note that you have made reference to noise within the your response. Searching our system, I am unable to locate any complaints that have been logged against the premises with regards to noise nuisance from the park impacting on the nearby vicinity. Should you wish to report a concern to the Environmental Health department when/if noise nuisance is taking place I would advise you to call 01983 823500 or email ehadmin@iow.gov.uk . The department does have an out of hours service on Friday and Saturday evenings which can be contacted on 01983 821105

To summarise, all activities are being proposed to start at 10:00am and finish at 00:00 hours, which is technically 1 minute later than the current premises licence permits

Please note, the variation application cannot look to amend or reduce the licensable activities and timings that form part of the current premises licence

If there are unresolved objections at the end of the consultation period, I will look to arrange for a hearing to take place at which you will be able to attend in order to raise the relevant points that are contained within your representation

Could I please ask you to review the points above and let me know if you still wish to object to the extension of certain licensable activities as detailed within the application and in the majority from 23:59 to 00:00 hours

If you require clarification on any aspect of the information above please let me know,

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |

County Hall | High Street | Newport | Isle of Wight | PO30 1UD

Tel: (01983) 823159

From: Ann Ashley

Sent: 27 March 2023 19:03

To: Licensing <licensing@iow.gov.uk>

Subject: License extention.

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As a resident living directly opposite Landguard site, I strongly object to any license extension, the clubhouse on site is already open late enough, We as residents already have enough noise nuisance, loud music, loud performers, loud drunks up and down the lane, screaming children late at night. We are unable to have our windows open day or night due to excessive noise, quite often unable to drive down the lane due to cars and caravans and staff using the lane as a rat run from other camps. I expect this application to be refused. Ann Ashley, Sandy Lane, Shanklin.
PO377PH.

Representation from C Silcox (Remains)

Good afternoon Mr Silcox,

Please be assured that I am not pre determining the application, the ability to do so does not fall within my remit. I am providing you with information and guidance on what we are able to consider and what we are not. This is in line with national guidance and legislative detail as described below. As stated there is already a premises licence in place, therefore the proposed amendments as detailed within my previous email is what will be determined and not the existing authorisations that form part of the current licence.

I will inform you of the hearing date when arranged (this will be within 20 working days of the end consultation date (which is 8 April 2023) so that you are able to attend, along with the applicant (or legal representatives of), the Licensing Sub Committee and any other relevant authorities/interested parties.

A report will be sent to the hearing which will contain all relevant information.

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |

County Hall | High Street | Newport | Isle of Wight | PO30 1UD

Tel: (01983) 823159

From: chris Silcox <

Sent: 03 April 2023 13:11

To: Batchelor, Shane <Shane.Batchelor@IOW.gov.uk>

Subject: Re: Landguard - Park Dean Resorts - OBJECTION - Ms Silcox

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Dear Mr Batchelor

No, I do not wish to withdraw my objection, other nearby licensed premises do not attract the same clientele as holiday makers.

The responses you are sending sound like you have already made up your mind about granting permission, as all you're doing is trying to support the application.

If you could experience what we hear and see when this park is open and it providing you was in close proximity to your house, I'm in no doubt that you would object to.

Yours sincerely

Sent from my iPhone

From: Batchelor, Shane

Sent: 03 April 2023 12:17

To: chris Silcox

Subject: RE: Landguard - Park Dean Resorts - OBJECTION - Ms Silcox

Good afternoon Mr Silcox,

I acknowledge your concern in relation to the potential for anti-social behaviour, Please also note though that there are other licenced premises within the vicinity of the park that are permitted to sell alcohol to persons of whom are permitted to take the products off site.

Section 182 Guidance which covers the legislation that the premises licence is authorised under (Licensing Act 2003) states that the licence holder is not responsible for persons behaviour once they leave the immediate vicinity of the premises. Persons are responsible in their own right for their behaviour once they leave the licenced premises and therefore the licence can not look to control the behaviour of persons once they have left the immediate vicinity.

A further point that would be relevant is that of determining whether the persons that are behaving in a way that could cause noise disturbance have originated from the park itself, rather than from another licenced premises or other location.

In relation to the premises being permitted to remain open until 00:30 hours to non-residents, the licensable activities will terminate at 00:00 hours and as stated in previous correspondence, the benefit of allowing a 30 minute period between the permitted licensable activities and the park closing to non-residents will be to encourage a more gradual dispersal as opposed to all non-residents leaving the park at the same time.

To summarise please see the proposed amendments as opposed to what is already permitted below:

The applicant seeks consent for;

1. the 'off-premises' sale of alcohol between 10am and midnight daily,
2. for indoors plays, indoor performance of dance and indoor live music to take place from 10am to midnight daily (noted to be one hour earlier each day and one minute later than existing each night),
3. late night refreshment from 11pm to midnight daily (noted to be one minute later than existing),
4. opening hours from 8am to 12.30am the following day (noted to be 2 hours earlier and 31 minutes later than existing).

Please be aware that the above proposed amendments are what is being considered as part of the variation application and not what is already permitted under the current premises licence.

Please also find Environmental Health's response in relation to the variation application attached.

After reviewing the above and attached, could I please ask you to inform me as to whether you wish to withdraw your representation or whether you wish it to remain,

Should there be unresolved concerns then following the end of the consultation period I will look to arrange for a hearing to take place where you will be able to attend to raise any relevant concerns that have been included within your representation for the Licensing Sub Committee to consider prior to making a determination on the application.

I look forward to hearing from you,

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |

County Hall | High Street | Newport | Isle of Wight | PO30 1UD

Tel: (01983) 823159

From: chris Silcox

Sent: 29 March 2023 12:12

To: Batchelor, Shane <Shane.Batchelor@IOW.gov.uk>

Subject: Re: Landguard - Park Dean Resorts - OBJECTION - Ms Silcox

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe. Further information can be found [here](#).

Good morning Mr Batchelor

Many thanks for your email.

My main objection was the sale of alcohol being allowed to be taken off the premises. This will only encourage later drinking away from the premises with holiday makers walking the streets in a drunken state shouting and hollering. I do not ever report these issues or I would be on the phone every day to environmental health in peak times and I do not want to jeopardise any future sale of our house by having to declare noise complaints.

I also object to the site being allowed to stay open later to 12.30 am.

Regards,

Sent from my iPad

On 28 Mar 2023, at 09:00, Batchelor, Shane <Shane.Batchelor@IOW.gov.uk> wrote:

Good morning Ms Silcox,

Thank you for your response below in relation to the premises licence variation application for Landguard Holiday Park, Shanklin.

The activity for live music is proposing to start 1 hour earlier (10am as opposed to 11am which is currently permitted) and is looking to extend by 1 minute, in line with the sale of alcohol proposals.

Environmental Health as a responsible authority may also look to request conditions which will look to uphold the objective for the prevention of public nuisance, however I have not received a response from this department as of yet.

I note that you have made reference to loud music and litter within your response. Searching our system, I am unable to locate any complaints that have been logged against the premises with regards to noise nuisance from the park impacting on the nearby vicinity. Should you wish to report a concern to the Environmental Health department when/if noise nuisance is taking place I would advise you to call 01983 823500 or email ehadmin@iow.gov.uk. The department does have an out of hours service on Friday and Saturday evenings which can be contacted on 01983 821105.

To summarise, all activities are being proposed to start at 10:00am and finish at 00:00 hours, which is technically 1 minute later than the current premises licence permits.

Please note, the variation application cannot look to amend or reduce the licensable activities and timings that form part of the current premises licence.

If there are unresolved objections at the end of the consultation period, I will look to arrange for a hearing to take place at which you will be able to attend in order to raise the relevant points that are contained within your representation.

Could I please ask you to review the points above and let me know if you still wish to object to the extension of live music to 10:00 to 00:00 as opposed to 11:00 to 23:59 hours which forms part of the current licence,

If you require clarification on any aspect of the information above please let me know,

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |

County Hall | High Street | Newport | Isle of Wight | PO30 1UD

Tel: (01983) 823159

From: Jenny Silcox

Sent: 27 March 2023 12:50

To: Licensing <licensing@iow.gov.uk>

Subject: Landguard - Park Dean Resorts - OBJECTION

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe. Further information can be found [here](#).

Dear Sir/Madam

The idea of Park Dean applying for permission to vary the terms of its premises licence is ridiculous!

This site is in extremely close proximity to residential houses. There is already a lot of rowdiness that we can hear under the current terms of the licence. We literally dread when this park opens every year as we know it will cause litter to be strewn in our gardens, the noise of the music can already be heard and so say holidaymakers deeming it alright to shout and sing as loud as they possibly can.

Due to how close this venue is to residential properties and the problems we already experience, we strongly object to this being granted!

Best regards,
C Silcox

Representation from Jane Denby-Roach (Remains)

Good afternoon Ms Denby – Roach,

Please find this email as a request to seek your views as to whether you intend to uphold your representation or withdraw it with regards to the variation application for the premises licence for Landguard Holiday Park.

To summarise please see the proposed amendments as opposed to what is already permitted below:

The applicant seeks consent for;

- the 'off-premises' sale of alcohol between 10am and midnight daily,
- for indoors plays, indoor performance of dance and indoor live music to take place from 10am to midnight daily (noted to be one hour earlier each day and one minute later than existing each night),
- late night refreshment from 11pm to midnight daily (noted to be one minute later than existing),
- opening hours from 8am to 12.30am the following day (noted to be 2 hours earlier and 31 minutes later than existing).

Please be aware that the above proposed amendments are what is being considered as part of the variation application and not what is already permitted under the current premises licence.

Please also find Environmental Health's response in relation to the variation application attached.

After reviewing the above and attached, could I please ask you to inform me as to whether you wish to withdraw your representation or whether you wish it to remain,

Should there be unresolved concerns then following the end of the consultation period I will look to arrange for a hearing to take place where you will be able to attend to raise any relevant concerns that have been included within your representation for the Licensing Sub Committee to consider prior to making a determination on the application.

I look forward to hearing from you,

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |

County Hall | High Street | Newport | Isle of Wight | PO30 1UD

Tel: (01983) 823159

From: Batchelor, Shane

Sent: 28 March 2023 10:59

To: Jane Denby-Roach

Subject: RE: Park Dean Resorts - Ms Denby Roach

Good morning Ms Denby - Roach,

Thank you for your response below in relation to the premises licence variation application for Landguard Holiday Park, Shanklin.

The current licence authorises the sale of alcohol up until 23:59 hours, therefore the actual timings are looking to be extended by 1 minute, this being until 00:00 hours.

The application is proposing for the operating hours to be extended until 00:30 hours, which in line with best practice will permit the a "drinking up period" for non-residents which from experience would encourage a more gradual dispersal of persons over the 30 minute period and potentially reduce the chance of noise disturbance from persons leaving the licenced area.

The activity for live music is proposing to start 1 hour earlier (10am as opposed to 11am which is currently permitted) and is looking to extend by 1 minute, in line with the sale of alcohol proposals.

Environmental Health as a responsible authority may also look to request conditions which will look to uphold the objective for the prevention of public nuisance, however I have not received a response form this department as of yet.

I note that you have made reference to loud music and litter within the your response. Searching our system, I am unable to locate any complaints that have been logged against the premises with regards to noise nuisance from the park impacting on the nearby vicinity. Should you wish to report a concern to the Environmental Health department when/if noise nuisance is taking place I would advise you to call 01983 823500 or email ehadmin@iow.gov.uk . The department does have an out of hours service on Friday and Saturday evenings which can be contacted on 01983 821105.

To summarise, all activities are being proposed to start at 10:00am and finish at 00:00 hours, which is technically 1 minute later than the current premises licence permits.

Please note, the variation application cannot look to amend or reduce the licensable activities and timings that form part of the current premises licence.

The Licensing Act 2003 regulations do not permit us to refuse a new application or variation to an existing one based on the licensable area being located near to or within a residential setting. In addition to this the decisions by a licence holder to participate in charitable and fund raising activities can also not be considered when coming to a determination on a new or existing licence application.

If there are unresolved objections at the end of the consultation period, I will look to arrange for a hearing to take place at which you will be able to attend in order to raise the relevant points that are contained within your representation.

Could I please ask you to review the points above and let me know if you still wish to object to the extension of certain licensable activities as detailed within the application and in the majority from 23:59 to 00:00 hours.

If you require clarification on any aspect of the information above please let me know,
Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |

County Hall|High Street|Newport|Isle of Wight|PO30 1UD

Tel: (01983) 823159

From: Jane Denby-Roach

Sent: 27 March 2023 16:58

To: Licensing <licensing@iow.gov.uk>

Subject: Park Dean Resorts

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe. Further information can be found [here](#).

I wish to register my objection to the change of any licence at Landguard Holiday Park.. The park is situated in a residential area and in the summer the noise of guests can be heard in the evenings. One accepts this as part of living in a holiday town, but does not need to be extended to later hours.

Furthermore, Park Dean resorts have made it very clear to the local community that they will no longer make their facilities available to local good causes to try and raise funds, eg Island Games, Rotary Charity Sale, so should certainly not be allowed to disrupt the lives of local people by anti social drinking and entertainment.

Yours faithfully
Jane Denby-Roach

[Sent from the all-new AOL app for Android](#)

Representations from Mr & Mrs Moller (Remains)

Good afternoon Mr Moller and thank you for your response below.

To summarise what is being proposed against what is currently permitted please see below:

The applicant seeks consent for;

- the 'off-premises' sale of alcohol between 10am and midnight daily,
- for indoors plays, indoor performance of dance and indoor live music to take place from 10am to midnight daily (noted to be one hour earlier each day and one minute later than existing each night),
- late night refreshment from 11pm to midnight daily (noted to be one minute later than existing),
- opening hours from 8am to 12.30am the following day (noted to be 2 hours earlier and 31 minutes later than existing).

Please be aware that the above proposed amendments are what is being considered as part of the variation application and not what is already permitted under the current premises licence.

Please also find Environmental Health's response in relation to the variation application attached.

After reviewing the above and attached, could I please ask you to inform me as to whether you wish to withdraw your representation or whether you wish it to remain,

Should there be unresolved concerns, then following the end of the consultation period I will look to arrange for a hearing to take place where you will be able to attend to raise any relevant concerns that have been included within your representation for the Licensing Sub Committee to consider prior to making a determination on the application.

I look forward to hearing from you,

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |

County Hall | High Street | Newport | Isle of Wight | PO30 1UD

Tel: (01983) 823159

From: Michael Moller

Sent: 30 March 2023 16:29

To: Batchelor, Shane <Shane.Batchelor@IOW.gov.uk>

Subject: Re: Re. Parkdean licensing application - Mr Moller

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe. Further information can be found [here](#).

Dear Mr. Batchelor,

Thank you for your prompt reply to my mail.

You say you are unsure as to what the correspondence I have received has stated. Therefore I have included an attachment showing that correspondence herewith.

Additionally I am unable to give a balanced opinion on the statement without knowing the times that Landguard Holiday Park currently have in place.

I would therefore be grateful if you could furnish me with those figures.

Thank you and I look forward to your reply.

Yours faithfully,

Mr. M. Moller

Sent from [Outlook](#)

From: Batchelor, Shane <Shane.Batchelor@IOW.gov.uk>

Sent: 28 March 2023 14:29

To: Michael Moller

Subject: RE: Re. Parkdean licensing application - Mr Moller

Good Afternoon Mr Moller,

Thank you for your response below in relation to the premises licence variation application for Landguard Holiday Park, Shanklin.

I am unsure as to what the correspondence that you have received has stated, therefore I have summarised below what the variation application is proposing and what is currently permitted in order for you to review and come back to me stating whether you are intending for your objection to remain or for it to be withdrawn.

The current licence authorises the sale of alcohol up until 23:59 hours, therefore the actual timings are looking to be extended by 1 minute, this being until 00:00 hours.

The application is proposing for the operating hours to be extended until 00:30 hours, which in line with best practice will permit the a "drinking up period" for non-residents which from experience would encourage a more gradual dispersal of persons over the 30 minute period and potentially reduce the chance of noise disturbance from persons leaving the licenced area.

The activity for live music is proposing to start 1 hour earlier (10am as opposed to 11am which is currently permitted) and is looking to extend by 1 minute, in line with the sale of alcohol proposals.

Environmental Health as a responsible authority may also look to request conditions which will look to uphold the objective for the prevention of public nuisance, however I have not received a response from this department as of yet.

I note that you have made reference to noise within the your response. Searching our system, I am unable to locate any complaints that have been logged against the premises with regards to noise nuisance from the park impacting on the nearby vicinity. Should you wish to report a concern to the Environmental Health department when/if noise nuisance is taking place I would advise you to call 01983 823500 or email ehadmin@iow.gov.uk . The department does have an out of hours service on Friday and Saturday evenings which can be contacted on 01983 821105.

To summarise, all activities are being proposed to start at 10:00am and finish at 00:00 hours, which is technically 1 minute later than the current premises licence permits.

Please note, the variation application cannot look to amend or reduce the licensable activities and timings that form part of the current premises licence.

If there are unresolved objections at the end of the consultation period, I will look to arrange for a hearing to take place at which you will be able to attend in order to raise the relevant points that are contained within your representation.

Could I please ask you to review the points above and let me know if you still wish to object to the extension of certain licensable activities as detailed within the application and in the majority from 23:59 to 00:00 hours.

If you require clarification on any aspect of the information above please let me know,

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |
County Hall | High Street | Newport | Isle of Wight | PO30 1UD
Tel: (01983) 823159

From: Michael Moller
Sent: 27 March 2023 19:20
To: Licensing <licensing@iow.gov.uk>
Subject: Re. Parkdean licensing application

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe. Further information can be found [here](#).

Dear Sir, I am writing in response to the leaflet dropped through our door at 15 Sandy Lane today.

Our bungalow is close to the Languard site and is close enough to hear people in the park. Regarding the selling of alcohol later and staying open until the early hours, I am afraid we view this proposal with dismay.

Our bedroom is to the back of our bungalow and, with windows open in the summer, absolutely in line for any noise coming from the park. The proposed changes will have a large negative impact upon us and we object in strong terms to the proposals.

Yours faithfully,
Mr & Mrs Moller

Sent from [Outlook](#)

Representation from Allan Woods (Remains)

Good afternoon Mr Woods and thank you for your response below.

To summarise please see the proposed amendments as opposed to what is already permitted below:

The applicant seeks consent for;

- the 'off-premises' sale of alcohol between 10am and midnight daily,
- the "sale of alcohol" is already permitted until 23:59 hours and will now propose to continue until 00:00 hours (one minute later than the existing authorisation)
- for indoors plays, indoor performance of dance and indoor live music to take place from 10am to midnight daily (noted to be one hour earlier each day and one minute later than existing each night),
- late night refreshment from 11pm to midnight daily (noted to be one minute later than existing),
- opening hours from 8am to 12.30am the following day (noted to be 2 hours earlier and 31 minutes later than existing).

Please be aware that the above proposed amendments are what is being considered as part of the variation application and not what is already permitted under the current premises licence. The current authorisations cannot be reduced or removed via the variation application

Please also find Environmental Health's response in relation to the variation application attached.

After reviewing the above and attached, could I please ask you to inform me as to whether you wish to withdraw your representation or whether you wish it to remain,

Should there be unresolved concerns then following the end of the consultation period I will look to arrange for a hearing to take place where you will be able to attend to raise any relevant concerns that have been included within your representation for the Licensing Sub Committee to consider prior to making a determination on the application.

I look forward to hearing from you,

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |

County Hall | High Street | Newport | Isle of Wight | PO30 1UD

Tel: (01983) 823159

From: Allan Woods

Sent: 31 March 2023 14:42

To: Licensing <licensing@iow.gov.uk>

Subject: Park Dean Resorts Languard

The granting of a liquor licence later hours is not acceptable it will increase noise and cause more trouble at night. The Security can't manage the Site at the moment this is ridiculous idea and I vote against it.

Representation from Rosemary Bastiani (Remains)

Good morning Mrs Bastiani,

The existing premises licence permits the sale of alcohol and regulated entertainment until 23:59 hours. The additional 30 minutes up until 00:30 relates to the opening hours of the premises. No activities such as sale of alcohol would be permitted between 00:00 and 00:30 hours. The 30 minute addition would provide the licence holder the ability to encourage dispersal of persons over the 30 minute period, rather than asking all to leave at once, which in theory would reduce the potential for noise disturbance. The main purpose of this would be a "drinking up time" for those present.

With regards to the 1 minute extension, unfortunately I am not in a position to explain this decision as part of the application. The applicant in any application is able to propose an amendment to timings and if not required to give a reason as such.

Following the end of the consultation period, I will come back to you with the hearing date should you wish to attend and raise any relevant concerns that you have detailed within your representation.

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |

County Hall | High Street | Newport | Isle of Wight | PO30 1UD

Tel: (01983) 823159

From: R Bastiani

Sent: 04 April 2023 16:47

To: Batchelor, Shane <Shane.Batchelor@IOW.gov.uk>

Subject: Parkdean Resorts - Landguard Holiday Park - Premises Variation 23/00250/LAPVAR

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe. Further information can be found [here](#).

Mrs R A Bastiani
Sandy Lane
Shanklin. IW.
PO377PH

Dear Mr. Batchelor,

Thank you for your reply and the views of the Environmental Health Dept.

I am particularly concerned about the lateness that Parkdean Resorts want to have the entertainment extended to 12.30.am.

As it is people can be heard quite often exiting the clubhouse to return to their accommodation or leaving the premises late at night and I don't think a later time of opening is acceptable. Because of this I am not withdrawing my objections.

[Perhaps you can tell me please why they want ' one minute later than existing' on some categories ?

Thankyou

Rosemary Bastiani

From: Batchelor, Shane
Sent: 06 April 2023 09:02
To: R Bastiani
Subject: RE: Parkdean Resorts - Landguard Holiday Park - Premises Variation 23/00250/LAPVAR - Mrs Bastiani

Good afternoon Mrs Bastiani and thank you for your response below.

To summarise please see the proposed amendments as opposed to what is already permitted below:

The applicant seeks consent for;

- the 'off-premises' sale of alcohol between 10am and midnight daily,
- the "sale of alcohol" is already permitted until 23:59 hours and will now propose to continue until 00:00 hours (one minute later than the existing authorisation)
- for indoors plays, indoor performance of dance and indoor live music to take place from 10am to midnight daily (noted to be one hour earlier each day and one minute later than existing each night),
- late night refreshment from 11pm to midnight daily (noted to be one minute later than existing),
- opening hours from 8am to 12.30am the following day (noted to be 2 hours earlier and 31 minutes later than existing).

Please be aware that the above proposed amendments are what is being considered as part of the variation application and not what is already permitted under the current premises licence. The current authorisations cannot be reduced or removed via the variation application

Please also find Environmental Health's response in relation to the variation application attached.

I note that you have made reference to noise disturbance via people noise within the your response. Searching our system, I am unable to locate any complaints that have been logged against the premises with regards to noise nuisance. Should you wish to report a concern to the Environmental Health department when/if noise nuisance is taking place I would advise you to call 01983 823500 or email ehadmin@iow.gov.uk . The department does have an out of hours service on Friday and Saturday evenings which can be contacted on 01983 821105.

After reviewing the above and attached, could I please ask you to inform me as to whether you wish to withdraw your representation or whether you wish it to remain,

Should there be unresolved concerns then following the end of the consultation period I will look to arrange for a hearing to take place where you will be able to attend to raise any relevant concerns that have been included within your representation for the Licensing Sub Committee to consider prior to making a determination on the application.

I look forward to hearing from you,

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |

County Hall|High Street|Newport|Isle of Wight|PO30 1UD

Tel: (01983) 823159

From: R Bastiani

Sent: 01 April 2023 16:20

To: Licensing <licensing@iow.gov.uk>

Subject: Parkdean Resorts - Landguard Holiday Park, Shanklin .IW. Premises Variation
23/00250/LAPVAR

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe. Further information can be found [here](#).

Mrs. R A Bastiani
Sandy Lane,
Shanklin. Isle of Wight
PO377PH

Dear Sir,

As one of many residents who live extremely close to Landguard Holiday Park owned by Parkdean Resorts, I am writing to object strongly to their application for a variation to the Premises licence at this holiday park.

Obviously when we bought our house we knew there would be a certain amount of noise from the holiday park during the summer season, but what they are now asking for could mean a lot of extra noise and disturbance every day till all hours to this residential area. I live less than 50 metres from the boundary and others live even closer.

I very much object to alcohol being sold from 10am to 12 midnight seven days a week 'on the premises' as it could easily be consumed anywhere in the park or surrounding area at all hours [there is a gate at the side of the premises which has stayed locked for a long time, but is now open, giving anybody access to come and go - it is directly opposite Sandy Lane access Lane where a few of us live and is private and for residents use only]

I also very much object to the proposal to have all sorts of entertainment and functions till 12 midnight .

We all live very near the clubhouse ; at the moment the entertainment finishes at a fairly reasonable time but it can still be heard around the area , as their doors and windows must be open, and ours have to be closed ! People can be heard wandering about afterwards when residents are trying to sleep. If it were to end later there would very probably be noise and disturbance well into the night, every night, especially if alcohol was being consumed outside, and this is really unacceptable for this area.

I now live alone, but when we bought our house we bought it for it's quiet situation - off the main road, near the countryside, and I very much object to Parkdean Resorts application to extend their premises licence at Landguard Holiday Park, and the possible consequences if it is passed.

Rosemary Bastiani

Representation from Simon Landy (Remains)

Good afternoon Mr Landy and thank you for your response below.

Unfortunately the Licensing Act does not differentiate between an individual or a communities demographic in relation to age, therefore the residential properties within the vicinity of the park being occupied by older persons can not be considered when determining an application of this type.

The potential for a reduction in property value can also not be considered under the Licensing Act 2003 requirements, therefore this point would not be deemed relevant when determining the variation application.

I am aware of the Councils statutory responsibility with regards to investigating allegation of noise nuisance as Licensing and Environmental Health work very closely together and are part of the same Council service, this being Regulatory Services. Regulated entertainment taking place past 23:00 hours would not necessary pose an issue in relation to public nuisance if managed appropriately and therefore would not automatically be considered a statutory nuisance.

I note that you have made reference to noise disturbance via people noise and anti-social behaviour within the your response. Searching our system, I am unable to locate any complaints that have been logged against the premises with regards to noise nuisance. Should you wish to report a concern to the Environmental Health department when/if noise nuisance is taking place I would advise you to call 01983 823500 or email ehadmin@iow.gov.uk . The department does have an out of hours service on Friday and Saturday evenings which can be contacted on 01983 821105.

For ease of reference I have summarised what is currently in place and authorised in relation to the existing premises licence and what is being proposed as part of the variation application:

The applicant seeks consent for;

- the 'off-premises' sale of alcohol between 10am and midnight daily,
- the "sale of alcohol" is already permitted until 23:59 hours and will now propose to continue until 00:00 hours (one minute later than the existing authorisation)
- for indoors plays, indoor performance of dance and indoor live music to take place from 10am to midnight daily (noted to be one hour earlier each day and one minute later than existing each night),
- late night refreshment from 11pm to midnight daily (noted to be one minute later than existing),
- opening hours from 8am to 12.30am the following day (noted to be 2 hours earlier and 31 minutes later than existing).

Please be aware that the above proposed amendments are what is being considered as part of the variation application and not what is already permitted under the current premises licence.

Please also find Environmental Health's response in relation to the variation application attached.

After reviewing the above and attached, could I please ask you to inform me as to whether you wish to withdraw your representation or whether you wish it to remain,

Should there be unresolved concerns then following the end of the consultation period I will look to arrange for a hearing to take place where you will be able to attend to raise any relevant concerns that have been included within your representation for the Licensing Sub Committee to consider prior to making a determination on the application.

I look forward to hearing from you,

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |

County Hall | High Street | Newport | Isle of Wight | PO30 1UD

Tel: (01983) 823159

From: Simon Landy

Sent: 02 April 2023 19:39

To: Licensing <licensing@iow.gov.uk>

Subject: Fwd: Draft email

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe. Further information can be found [here](#).

Dear Licensing Authority

I have been made aware of the intentions of Parkdean Resorts, Shanklin, in their application for extended opening hours, including the extension of their alcohol licensing hours and their intention to host public performances until midnight, for up to seven days a week. I should like to highlight that my property abuts the Parkdean land, and we would be negatively impacted by any such decision. As you may be aware, Sandy Lane, which connects Lake to Shanklin, particularly around the Parkdean resort location, is predominantly occupied by older people, either retirees or the elderly. As multiple research studies have indicated, there is a direct correlation between antisocial behaviour and the consumption of alcohol. Offering people the opportunity to consume alcohol for in excess of 12 hours will undoubtedly increase the likelihood and propensity of antisocial behaviour, around an area primarily populated by vulnerable residents. This would unquestionably contradict the recent commitment to reducing such like behaviours by this Government.

As you are also likely aware, the Police station in Shanklin is not open of an evening, leaving reports to the Police being responded to from an already overstretched island-wide provision. The highly likely delayed response times would not be a good look, given the known vulnerabilities amongst the local community. Lastly, I would like to state that there is a great probability that the performance of live music events, going on until well after 11pm, will probabilistically constitute a statutory noise nuisance, which the council will have to investigate should complaints be received.

In conclusion, I should like to register that both my wife (Beverley Landy) and I (Simon Landy) do not support this application and I am aware that numerous neighbours of ours, in a similar position, are also opposed to it. Aside from our concerns around public safety, this application would undoubtedly reduce the value of all our properties in close proximity.

I hope that these concerns factor into your decision making process.

Best wishes

Simon Landy

Sandy Lane, Shanklin, po377dt IoW

Representation from Cllr Paul Brading (Remains)

Thank you Paul,

I will inform you of the hearing date once arranged,

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |

County Hall | High Street | Newport | Isle of Wight | PO30 1UD

Tel: (01983) 823159

From: Brading, Paul

Sent: 06 April 2023 11:31

To: Batchelor, Shane <Shane.Batchelor@IOW.gov.uk>

Subject: Re: Application 23/00250/LAPVAR - Cllr Brading

Hello Shane

Thanks again for the clarity

It's a difficult one because many of my residents feel the same, and it's their views I am sharing really

So I feel that my objection to this one point should remain

Regards

Paul

Sent from Samsung Mobile on O2

Sent from [Outlook for Android](#)

From: Batchelor, Shane <Shane.Batchelor@IOW.gov.uk>

Sent: Thursday, April 6, 2023 9:04:37 AM

To: Brading, Paul

Subject: RE: Application 23/00250/LAPVAR - Cllr Brading

Good morning Paul.

The existing premises licence permits the sale of alcohol and regulated entertainment until 23:59 hours. The additional 30 minutes up until 00:30 relates to the opening hours of the premises. No activities such as sale of alcohol would be permitted between 00:00 and 00:30 hours. The 30 minute addition would provide the licence holder the ability to encourage dispersal of persons over the 30 minute period, rather than asking all to leave at once, which in theory would reduce the potential for noise disturbance. The main purpose of this would be a "drinking up time" for those present.

If you wish your concerns in relation to this proposed amendment to remain (if you could confirm if this is the case please), then following the end of the consultation period, I will

come back to you with the hearing date should you wish to attend and raise any relevant concerns that you have detailed within your representation.

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |
County Hall | High Street | Newport | Isle of Wight | PO30 1UD
Tel: (01983) 823159

From: Brading, Paul
Sent: 04 April 2023 15:59
To: Batchelor, Shane <Shane.Batchelor@IOW.gov.uk>
Subject: RE: Application 23/00250/LAPVAR

Hello Shane

Thank you for your email, and the explanations. I do admit I cannot see the point of extending by 1 minute!

I am in agreement with 4 of your 5 points. But I do disagree with point 5 "opening hours from 8am to 12.30am the following day (noted to be 2 hours earlier and 31 minutes later than existing)." The 2 hours earlier is not a problem, but the 31 minutes later closing is still an objection, but on this point only now

Kind regards

Paul

Councillor Paul Brading
Member for Lake South

From: Batchelor, Shane <Shane.Batchelor@IOW.gov.uk>
Sent: 04 April 2023 09:24
To: Brading, Paul
Subject: RE: Application 23/00250/LAPVAR

Good morning Cllr Brading,

Thank you for your response below.

The premises is actually licensed already. The application that has been submitted is proposing to vary certain activities that are already permitted as part of the existing premises licence.

I have summarised the proposed changes below:

The applicant seeks consent for:

- the 'off-premises' sale of alcohol between 10am and midnight daily,
- the "sale of alcohol" is already permitted until 23:59 hours and will now propose to continue until 00:00 hours (one minute later than the existing authorisation)

- for indoors plays, indoor performance of dance and indoor live music to take place from 10am to midnight daily (noted to be one hour earlier each day and one minute later than existing each night),
- late night refreshment from 11pm to midnight daily (noted to be one minute later than existing),
- opening hours from 8am to 12.30am the following day (noted to be 2 hours earlier and 31 minutes later than existing).

The above proposed amendments are what is being considered as part of the variation application and not what is already permitted under the current premises licence. The current authorisations cannot be reduced or removed via the variation application.

I have received representations stating that the proposed amendments will cause noise disturbance, an increase in anti-social behaviour and other points which I am not able to consider and of which have been explained to the relevant persons that have made representations.

Please also find the response from Environmental Health, the lead authority for the Licensing Objective for the Prevention of Public Nuisance. I have not received a response from the Police as of yet from a Crime and Disorder perspective.

After reviewing the above and attached, could I please ask you to inform me as to whether you wish to withdraw your representation or whether you wish it to remain,

Should there be unresolved concerns then following the end of the consultation period I will look to arrange for a hearing to take place where you will be able to attend to raise any relevant concerns that have been included within your representation for the Licensing Sub Committee to consider prior to making a determination on the application.

If you have any other queries or require clarification on the above please let me know,

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |
County Hall | High Street | Newport | Isle of Wight | PO30 1UD
Tel: (01983) 823159

From: Brading, Paul

Sent: 03 April 2023 18:10

To: Licensing <licensing@iow.gov.uk>; Batchelor, Shane <Shane.Batchelor@IOW.gov.uk>

Subject: Application 23/00250/LAPVAR

Hello Shane

I wish to lodge an objection to the application 23/00250/LAPVAR made by Landguard Holiday Park. They wish to extend their Alcohol licence from 10am to 12pm, as well as their Entertainment licence to 12pm

There are many residential houses very nearby, and I have consulted with my residents that would be affected. I see no reason why the sale of Alcohol, and Entertainment should go on past 11pm, like most pubs, which would be acceptable. To continue to 12pm is not acceptable, due to increased noise levels, and that is why I object to this, and propose 11pm closure for both issues.

Is it possible you could keep me up to date with any decision here please, as my residents are very concerned?

Kind regards

Paul

Councillor Paul Brading
Member for Lake South